

# BELLEVILLE DOWNTOWN DISTRICT NO TRESPASS PROCEDURE

Approved:

Date of Last Review: N/A

Procedure Number: BDIA001

## Overview:

The purpose of this procedure is to provide a BIA-wide process for the issuance of notices of trespass and to ensure that access to a Belleville Downtown District property is protected as per the Trespass to Property Act, R.S.O. 1990, T.21, and that all proprietors, employees and patrons have a right to the enjoyment and use of said property without interference.

## Individual No-Trespass to Property Notice:

As a proprietor you are encouraged to issue a Trespass Notice to a patron engaging in inappropriate behaviour to ensure that such patron cannot again lawfully enter your business premises and by using this procedure, the no-trespass order will encompass all buildings (including private parking lots) and businesses within the Belleville Downtown District and includes all businesses that opt-in and are listed on the reverse of the written notice.

## Rules of Conduct:

The Downtown District shops, restaurants and services strive to provide everyone with fair and equitable access to a wide range of locations and services in a welcoming environment that is free from discrimination and harassment. Everyone has the right to equal treatment with respect to the access and use of Downtown District facilities and services without discrimination on the basis of sex, sexual orientation, race, colour, ethnic origin, creed and all other grounds set out in the *Ontario Human Rights Code*.

Discrimination and harassment will not be tolerated under any circumstances. These rules of conduct are intended to prevent such conduct and to ensure the dignity and safety of all and to maintain the security of businesses without disruption or lack of public enjoyment.

Business and Building owners make every effort to apply these rules in a fair and positive manner for the benefit of all.

1. Threatening, abusive, discriminatory or harassing language of any kind is not permitted.
2. Damage, misuse or theft of any materials, equipment and property is not allowed.
3. Disruptive or intrusive behaviour is not allowed.
4. Members of the public may not make requests for service based on prohibited grounds of discrimination under the *Ontario Human Rights Code*.
5. Children requiring supervision must not be left unattended on any business premises.
6. Members of the public may only use authorized entrances and exits and are not allowed in "Staff Areas" without permission.
7. Members of the public must open all bags, purses, etc. for inspection if requested by staff.
8. Materials not yet paid for may not be taken into washrooms or dressing rooms without

permission of the owner or authorized on-site person.

9. Posting notices, distributing circulars or petitions, soliciting or engaging in any commercial activity on Downtown District properties must not be conducted without prior written approval of the owner and/or the BDIA.
10. Photographing, filming or video recording on Downtown District properties must not be conducted without prior written approval of the owner.
11. Members of the public must wear shirts and shoes and other appropriate attire when entering any business or service location.
12. The use of illegal drugs, cannabis or alcohol is not permitted except where licensed to do so. Members of the public must not enter businesses or service areas while intoxicated or under the influence of any illegal substance.
13. The use of e-cigarettes, vaporizers, or the smoking of cigarette or cannabis is not permitted in any business or within 9 metres of any entrance.
14. Weapons of any kind are not permitted.

Any behaviour that does not support a welcoming environment and/or violates the Rules of Conduct may result in cost-recovery charges, No Trespass bans and/or prosecution. These rules have been approved by the Downtown District BIA Board of Directors.

#### **Definitions:**

In this procedure, unless otherwise stated:

1. Belleville Downtown District premises include the businesses and buildings, and all adjacent Belleville Downtown District property which is attached to the building, including private parking lots, within the boundaries established within The Corporation of the City of Belleville Bylaw #9275 dated the 21<sup>st</sup> day of August, 1972.
2. Trespassing carries the definition used in the Trespass to Property Act, 1990.
  - (1) Every person who is not acting under a right or authority conferred by law and who,
    - i. without the express permission of the occupier, the proof of which rests on the defendant, enters on premises when entry is prohibited under this Act, or engages in an activity on premises when the activity is prohibited under this Act; or
  - (2) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c T.21, s. 2(1). 2 of 5
3. The following persons will be empowered to act as "authorized persons" at Belleville Downtown District premises for the purposes of enforcing the Trespass to Property Act, 1990, of the Province of Ontario; and when necessary to issue a notice of trespass.
  - (1) A person currently associated with the business issuing the no-trespass notice (recommended to be in a supervisory position).
  - (2) An Officer of the Belleville Police Service.

## **Process:**

### Registration (Opt-In)

1. If you wish to register your business and have it listed for inclusion within the BIA-wide No-Trespass process, you must register via the link provided below.
2. Once registered, your business will be included on all No-Trespass Notices issued within the boundaries described as Belleville Downtown District BIA as per The Corporation of the City of Belleville Bylaw 9275 dated 21<sup>st</sup> of August, 1972.
3. Your business will continue to be listed in the BIA No-Trespass process until such time as you submit formal notice to the Executive Director to be removed.

### Warnings to Trespassers:

4. Entry onto Belleville Downtown District premises may be prohibited by providing notice. The notice may be given orally or in writing to any person whose conduct is disruptive to the conduct of a business or activities or is threatening to the staff or other users of Belleville Downtown District businesses. Specific notice that entry is prohibited is not required to keep persons out where the site is completely enclosed by a fence which has been specifically designed to keep persons off the property.
5. In order to prohibit general entry to Belleville Downtown District premises, it is necessary to confront a trespasser and give oral notice.

### Written Notice of Trespass in a Non-Emergency Situation:

6. In a non-emergency situation and/or where a person has trespassed on Belleville Downtown District premises and the person's attendance in future is unwanted, in that it is threatening to other users, disruptive of others use of a Belleville Downtown District property, or is conduct which impairs others using Belleville Downtown District property, a notice of trespass letter may be mailed or delivered in person, in a form similar to the example in the link provided below. Such a letter is not a requirement for laying a charge against such a person should he or she continues to trespass.

### Records:

7. The Notice of Trespass as issued by the Belleville Downtown District business shall be filed with the Belleville Police Service and the Executive Director, Belleville Downtown District BIA.

### Dealing with a Trespasser:

8. Authorized persons will find the following guidelines useful when dealing with a trespasser:
  - a. Preliminary Measures a) get a good description of the person. b) Note the time.
  - b. Preventing Confrontation – Engendering Maximum Co-operation
    - i. Introduce yourself (name, position and authority to act).
    - ii. Be courteous, calm and assured.
    - iii. Ask the person to identify herself/himself (name and address).
    - iv. Do not touch the person.
    - v. Give clear direction to the person and offer assistance.
    - vi. Try to keep the situation from escalating.
    - vii. The trespasser will usually comply, and no further action will be necessary. If not, inform the person that he or she is trespassing and is directed to leave the premises.

Laying a Charge:

9. If the trespasser refuses to leave, or if the trespasser has caused property damage, you may call the police to lay a charge. Again request the trespasser's name and address (if these are not available from another source) in order that you may have the police lay a charge.
  - a. In the event insufficient information is not available, Belleville Police Service (BPS) and the Belleville Downtown District Executive Director will maintain the order on file and use it if/when a subsequent No Trespass order is issued by another business for the same individual.
10. The authorized person shall notify Belleville Police Service and Belleville Downtown District BIA Executive Director in writing of all the particulars of the event leading up to the incident.

Arresting a Trespasser:

CALL THE POLICE TO MAKE THE ARREST.

**Length of Ban:**

1. A first Notice of Trespass will be for a period of up to 6 months. Subsequent cases or incidents of more serious or threatening behaviour may incur periods of up to thirty-six (36) months including an indefinite ban for extreme cases. Long term bans shall be the exception rather than the rule.
2. The Notice shall be subject to an automatic review by the Executive Director in consultation with the issuing business after twelve months and every twelve months thereafter.

**Appeals:**

1. Should a person served with a written Notice of Trespass take issue with that service, a written letter outlining the reason for appeal should be forwarded by that person to the Executive Director, Belleville Downtown District BIA. In making the decision, the Executive Director may choose to seek legal advice from a source. The Executive Director may uphold the service of that Notice or direct its withdrawal and the decision of the Executive Director is final.

**Link to No Trespass Procedure and Opt-In Businesses:**

**Staff Support:**

Executive Director, Belleville Downtown District BIA

\_\_\_\_\_  
Signature of Board Chair  
Date:

\_\_\_\_\_  
Signature of Executive Director  
Date:

## Belleville Downtown District Safety and Security Initiative

This past summer the BDIA has been working with Belleville Police Services on a strategy to increase the safety and security of our members, employees and visitors to the downtown district. Our goal, as per our strategic plan, is to create a downtown where all people feel comfortable to meet, work, visit and enjoy entertainment. One of the ways this is achieved is to communicate what is not acceptable behaviour in the Downtown District and reduce the frequency of inappropriate or threatening behaviour on the streets. Please familiarize yourself and your staff with the information below as we continue to work towards a safer, more enjoyable experience in the downtown core.

---

**Purpose:** The BDIA exists to position downtown Belleville as a vibrant community.

**Vision:** By 2023, Downtown Belleville will be the thriving centre of our community.

---

### Safety and Security Initiatives

The initiatives we have chosen to focus on are designed to empower our members to be a part of the solution. By setting expectations with the greater community and working closely with Belleville Police Services we can make a difference. Below is a synopsis of Rules of Conduct for the Downtown District.

**Rules of Conduct:** *The Downtown District shops, restaurants and services strive to provide everyone with fair and equitable access to a wide range of locations and services in a welcoming environment that is free from discrimination and harassment. Everyone has the right to equal treatment with respect to the access and use of Downtown District facilities and services without discrimination on the basis of sex, sexual orientation, race, colour, ethnic origin, creed and all other grounds set out in the Ontario Human Rights Code.*

*Discrimination and harassment will not be tolerated under any circumstances. These rules of conduct are intended to prevent such conduct and to ensure the dignity and safety of all and to maintain the security of businesses without disruption or lack of public enjoyment.*

*Business and Building owners make every effort to apply these rules in a fair and positive manner for the benefit of all.*

### Initiative #1: No Trespass

Our No Trespass Procedure was modeled after No Trespass Policies that are being used successfully by the Quinte Mall and the Belleville Library. Adopting a No Trespass Policy will allow those businesses and properties who opt-in to bar individuals who have engaged in inappropriate or threatening behaviour in one location from all properties that are listed on the 'No Trespass' list.

**PLEASE NOTE: IN THE EVENT OF ANY REAL OR PERCEIVED THREAT TO A PERSON IN THE DOWNTOWN CORE CALL 911.**

### How it works:

- As a business owner or property owner you can 'opt-in' to the No Trespass Procedure
- If an individual engages in inappropriate or threatening behaviour at your location, they are issued a No Trespass letter by you.
- The No Trespass letter lists all opt-in properties that the individual can no longer visit
- If the individual continues to trespass, you can remind them that they are trespassing, ask them to leave and call the police. They will be arrested.
- As a participant of the No Trespass Procedure, you have access to a current list of individuals on the No Trespass list and can enforce the No Trespass procedure should they enter your property or business
- A first Notice of Trespass will be for a period of up to 6 months. Subsequent cases or incidents of more serious or threatening behaviour may incur periods of up to thirty-six (36) months including an indefinite ban for extreme cases. Long term bans shall be the exception rather than the rule.

## Initiative #2: District Watch

Often when a business or property owner has an interaction such as shop lifting or graffiti there is no easy way to warn others to look out for the individual or to tell the police. We are introducing 'District Watch'. Using a smartphone app called GroupMe members that opt-in to the 'District Watch' Initiative will be able to share photo, video and details of incidents to all 'District Watch' Members including Belleville Police Services. If you would like to opt-in to District Watch, [click here to sign up](#). You will receive an email with instructions on how to download and use the GroupMe app. If you know how to text, you can use the app. We are always here to help if you need assistance.

## Witness Impact Statements

If you or your staff witness an unpleasant, disruptive or illegal interaction in the Downtown District it is important to document the event and submit it to the Belleville Police Services and to the Belleville Downtown District Office. See *Witness Statement Letter* link under **IMPORTANT LINKS** at the end of this document.

### IMPORTANT LINKS

- ✓ [No Trespass Initiative opt-in](#) | Opt-in request form
- ✓ [No Trespass Procedure](#) | Comprehensive overview of No Trespass Procedure
- ✓ [Current No Trespass List](#) | Current Opt-in Businesses/properties + No Trespass Orders
- ✓ [No Trespass Order Template](#) | To be filled out for incidents + delivered to individual
- ✓ [Code of Conduct](#) | Can be posted
- ✓ [Witness Statement Letter](#) | To be filled out for incidents + emailed to BPS

**PLEASE NOTE: IN THE EVENT OF ANY REAL OR PERCEIVED THREAT TO A PERSON IN THE DOWNTOWN CORE CALL 911.**



## Belleville Downtown District Business Improvement Area

1 Bridge St., East Street, Belleville, Ontario K8N 5N9

### Belleville Downtown District Code of Conduct

The Belleville Downtown District shops, restaurants and services strive to provide everyone with fair and equitable access to a wide range of locations and services in a welcoming environment that is free from discrimination and harassment. Everyone has the right to equal treatment with respect to the access and use of Downtown District facilities and services without discrimination on the basis of sex, sexual orientation, race, colour, ethnic origin, creed and all other grounds set out in the *Ontario Human Rights Code*.

Discrimination and harassment will not be tolerated under any circumstances. These rules of conduct are intended to prevent such conduct and to ensure the dignity and safety of all and to maintain the security of businesses without disruption or lack of public enjoyment.

Business and Building owners make every effort to apply these rules in a fair and positive manner for the benefit of all.

1. Threatening, abusive, discriminatory or harassing language of any kind is not permitted.
2. Damage, misuse or theft of any materials, equipment and property is not allowed.
3. Disruptive or intrusive behaviour is not allowed.
4. Members of the public may not make requests for service based on prohibited grounds of discrimination under the *Ontario Human Rights Code*.
5. Children requiring supervision must not be left unattended on any business premises.
6. Members of the public may only use authorized entrances and exits and are not allowed in "Staff Areas" without permission.
7. Members of the public must open all bags, purses, etc. for inspection if requested by staff.
8. Materials not yet paid for may not be taken into washrooms or dressing rooms without permission of the owner or authorized on-site person.
9. Posting notices, distributing circulars or petitions, soliciting or engaging in any commercial activity on Downtown District properties must not be conducted without prior written approval or the owner and/or the BDIA.
10. Photographing, filming or video recording on Downtown District properties must not be conducted without prior written approval of the owner.
11. Members of the public must wear shirts and shoes and other appropriate attire when entering any business or service location.
12. The use of illegal drugs, cannabis or alcohol is not permitted except where licensed to do so. Members of the public must not enter businesses or service areas while intoxicated or under the influence of any illegal substance.
13. The use of e-cigarettes, vaporizers, or the smoking of cigarette or cannabis is not permitted in any business or within 9 metres of any entrance.
14. Weapons of any kind are not permitted.

Any behaviour that does not support a welcoming environment and/or violates the Rules of Conduct may result in cost-recovery charges, No Trespass bans and/or prosecution. These rules have been approved by the Downtown District BIA Board of Directors.



**NO TRESPASS ORDER**  
**Belleville Downtown District Business Improvement Area**  
1 Bridge St., East Street, Belleville, Ontario K8N 5N9

Order Issued Date: \_\_\_\_\_ Date of Expiry: \_\_\_\_\_

Issued by (Business Name or Property Address: \_\_\_\_\_

Unknown patron or if known: \_\_\_\_\_ (name)

Dear Sir or Madam,

Because of your behaviour on (Date) \_\_\_\_\_ involving:

- Altercation with an employee or another customer (minimum 3-month ban)
- Threatening, abusive, discriminatory or harassing language. (minimum 3-month ban)
- Disruptive or intrusive behaviour (minimum 3-month ban)
- The use of illegal drugs, cannabis or alcohol except where licensed to do so. (minimum 3-month ban)
- Use of vaporizers, smoking of cigarettes, e-cigarettes or cannabis in any business or within 9 metres of any entrance. (minimum 3-month ban)
- Entering a business or service area while intoxicated or under the influence of an illegal substance. (minimum 3-month ban)
- Damage, or theft of property. (minimum 1 year ban)
- Bringing a weapon into a facility (minimum 1 year ban)
- \_\_\_\_\_ (other)

The Belleville Downtown District BIA is enforcing the provision of the Trespass to Property Act, R.S.O. 1990. This means that you are banned from entering all properties listed below for a period of \_\_\_\_\_ effective from the date of this letter. This includes all listed property addresses, the parking lots associated with the business and a 9 metre area outside of the front and back entrances of all listed properties. The Belleville Downtown District BIA will not tolerate contravention of our code of conduct. Any violation of the terms of this letter will be treated and enforced as a trespass against each businesses property.

If the decision is made to lift the exclusion, you will be notified as soon as possible. Continued access to the listed properties after that point, will be contingent upon adherence to the Code of Conduct of the Belleville Downtown District BIA.

If the banishment is extended you will be notified in writing.

Yours sincerely,

Marijo Cuerrier  
Executive Director  
Belleville Downtown District BIA

CC: Mark Hall - Belleville Police Services  
Kathryn Brown - Board Chair  
Marijo Cuerrier – Executive Director Downtown District BIA





**Belleville Downtown District Business Improvement Area**  
1 Bridge St., East Street, Belleville, Ontario K8N 5N9

**WITNESS IMPACT STATEMENT**

Date of reported event: \_\_\_\_\_ Time of reported Event: \_\_\_\_\_

Business Name or Property Address that event took place (if it was outside, the closest reference to where it happened): \_\_\_\_\_

Unknown patron or if known: \_\_\_\_\_ (name)

Reported by

First and Last Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Details of the event:

Please submit to Mark Hall at Belleville Police Services: [mhall@police.belleville.on.ca](mailto:mhall@police.belleville.on.ca)